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13 **UNITED STATES BANKRUPTCY COURT**

14 **DISTRICT OF ARIZONA**

15 In re:

CHAPTER 11

16 PHILLIP J. HOOLEHAN and NICOLE M.
17 HOOLEHAN,

Case No. 2:18-bk-13152-EPB

18 Debtors.

**MOTION FOR ENTRY OF FINAL
DECREE CLOSING CASE**

19 Phillip J. Hoolehan and Nicole M. Hoolehan, debtors in the above-captioned bankruptcy
20 case (“**Debtors**”), hereby request entry of a final decree closing this bankruptcy case (“**Case**”).
21 The Debtors have substantially consummated the *Debtors’ Plan of Reorganization Dated March*
22 *5, 2019* [ECF No. 34] (“**Plan**”). On July 9, 2019, the Court entered the *Order Confirming*
23 *Debtors’ Plan of Reorganization Dated March 5, 2019* [ECF No. 64] (“**Confirmation Order**”).
24 Since then, the Debtors have made all of the initial payments required under the Plan and are
25 current on all quarterly fees due to the Office of the United States Trustee. No material motions
26 or proceedings remain pending before the Court. Finally, the Debtors are current with all
27 reporting requirements. The following Memorandum of Points and Authorities supports this
28 request.

MEMORANDUM OF POINTS AND AUTHORITIES

1. On October 26, 2018 (“**Petition Date**”), the Debtors filed a voluntary petition for
relief under Chapter 11 of the Bankruptcy Code.

2. On July 9, 2019, the Court entered the Confirmation Order. The Plan provides
treatment for the following creditors: Administrative Claims; Priority Tax Claims; Class I

1 Secured Claims; and Class II General Unsecured Claims.

2 3. The Debtors have paid all Allowed Administrative Claims, or the parties have
3 agreed to other payment terms. Debtors have made their New Value payments, as defined in the
4 Plan.

5 4. The Debtors made the initial payments to the Internal Revenue Service, Arizona
6 Department of Revenue, and the Illinois Department of Revenue on their allowed Priority Tax
7 Claims.

8 5. The Debtors are current on the payments to the Class I Secured Claims of
9 Santander, Capital One, and the Internal Revenue Service regarding their respective liens on the
10 Debtors' assets.

11 6. The Debtors are on track to pay the Class II General Unsecured Creditors in
12 accordance with the Plan within one year of the Effective Date and have started making such
13 payments.

14 7. Pursuant to the Plan, all property vested back to the Debtors upon the occurrence
15 of the Effective Date on August 8, 2019.

16 8. The Plan has therefore been substantially consummated. *See Antiquities of Nev. v.*
17 *Bala Cynwyd Corp. (In re Antiquities of Nev.)*, 173 B.R. 926, 930 (B.A.P. 9th Cir. 1994).

18 9. As of the date of this Motion, the Debtors are current on all post-petition reports
19 and fees.

20 10. No adversary proceeding or contested motion remains unresolved.

21 11. Under these circumstances, the Court should enter a final decree. *See Moe v.*
22 *Munding (In re Spokane Raceway Park, Inc.)*, No. EW-12-1659-PaJuTa, 2013 Bankr. LEXIS
23 4594, at *9 (B.A.P. 9th Cir. Aug. 2, 2013).

24 12. Upon entry of the Order approving this Motion, the Debtors will file a final post-
25 confirmation quarterly report and pay the appropriate quarterly fees to the United States Trustee.

26 **WHEREFORE**, the Debtors request the Court enter an Order:

27 A. approving this Motion;

28 B. granting the Debtors a final decree closing this Case; and

1 C. for such other and further relief as the Court deems just and appropriate.

2 DATED: December 2, 2019.

3 **ALLEN BARNES & JONES, PLC**

4 /s/ THA 11160

5 Thomas H. Allen

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Attorneys for Debtors

8 **E-FILED** on December 2, 2019 with the
9 U.S. Bankruptcy Court and copies served
10 via ECF notice on all parties that have
appeared in the case.

11 **COPY** mailed the same date via U.S. Mail to:

12 Office of the U.S. Trustee
13 230 N. First Avenue, Suite 204
Phoenix, AZ 85003-1706

14 Phil & Nicole Hoolehan
15 34522 N. Scottsdale Road
Suite 120 PMB 424
16 Scottsdale, AZ 85266
Debtors

17 **COPY** e-mailed the same date to:

18 Larry L. Watson
19 OFFICE OF THE U.S. TRUSTEE
20 230 N. First Avenue, Ste 204
Phoenix, AZ 85003-1706
larry.watson@usdoj.gov

21
22 /s/ Melissa Morgan